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AN ACT

RELATING TO PUBLIC SCHOOL FINANCE; PROVIDING FOR THE
CALCULATION OF THE INSTRUCTIONAL STAFF TRAINING AND
EXPERIENCE INDEX OF CHARTER SCHOOLS; PROVIDING A HOLD
HARMLESS PROVISION FOR TWO FISCAL YEARS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 22-8-6.1 NMSA 1978 (being Laws 1993,
Chapter 227, Section 8, as amended) is amended to read:

"22-8-6.1. CHARTER SCHOOL BUDGETS.--

A. Each state-chartered charter school shall
submit to the charter schools division of the department a
school-based budget. For the first year of operation, the
budget of every state-chartered charter school shall be based
on the projected number of program units generated by that
charter school and its students, using the at-risk index and
the instructional staff training and experience index of the
school district in which it is geographically located. For
second and subsequent fiscal years of operation, the budgets
of state-chartered charter schools shall be based on the
number of program units generated using the average of the
eightieth and one hundred twentieth day MEM of the prior year
and its own instructional staff training and experience index
and the at-risk index of the school district in which the
state-chartered charter school is geographically located.

1 The budget shall be submitted to the division for approval or
2 amendment pursuant to the Public School Finance Act and the
3 Charter Schools Act.

4 B. Each locally chartered charter school shall
5 submit to the local school board a school-based budget. For
6 the first year of operation, the budget of every locally
7 chartered charter school shall be based on the projected
8 number of program units generated by the charter school and
9 its students, using the at-risk index and the instructional
10 staff training and experience index of the school district in
11 which it is geographically located. For second and
12 subsequent fiscal years of operation, the budgets of locally
13 chartered charter schools shall be based on the number of
14 program units generated using the average of the eightieth
15 and one hundred twentieth day MEM, of the prior year and its
16 own instructional staff training and experience index and the
17 at-risk index of the school district in which the locally
18 chartered charter school is geographically located. The
19 budget shall be submitted to the local school board for
20 approval or amendment. The approval or amendment authority
21 of the local school board relative to the charter school
22 budget is limited to ensuring that sound fiscal practices are
23 followed in the development of the budget and that the
24 charter school budget is within the allotted resources. The
25 local school board shall have no veto authority over

1 individual line items within the charter school's proposed
2 budget, but shall approve or disapprove the budget in its
3 entirety. Upon final approval of the local budget by the
4 local school board, the individual charter school budget
5 shall be included separately in the budget submission to the
6 department required pursuant to the Public School Finance Act
7 and the Charter Schools Act.

8 C. For the first year of operation after a locally
9 chartered charter school converts to a state-chartered
10 charter school or a state-chartered charter school converts
11 to a locally chartered charter school, the charter school's
12 budget shall be based on the number of program units
13 generated using the average of the eightieth and one hundred
14 twentieth day MEM of the prior year and the instructional
15 staff training and experience index and the at-risk index of
16 the school district in which it is geographically located.
17 For second and subsequent fiscal years of operation, the
18 charter school shall follow the provisions of Subsection A or
19 B of this section, as applicable.

20 D. Notwithstanding the provisions of Subsections A
21 through C of this section, each charter school that was in
22 existence in fiscal year 2009 shall be held harmless in the
23 calculation of its instructional staff training and experience
24 index for two fiscal years. For fiscal years 2010 and 2011,
25 the department shall use the greater of the charter school's

1 2008-2009 funded instructional staff training and experience
2 index or the charter school's own instructional staff training
3 and experience index. Beginning in fiscal year 2012, each
4 charter school shall use its own instructional staff training
5 and experience index." _____

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